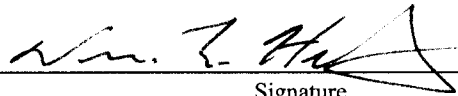


<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number:  07844-0601001 / P554
<p>I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450.</p> <p>_____</p> <p>Date of Deposit</p> <p>_____</p> <p>Signature</p> <p>_____</p> <p>Typed or Printed Name of Person Signing Certificate</p>	Application Number  10/633,436	Filed  July 31, 2003
	First Named Inventor  Sambit Dash	
	Art Unit  2628	Examiner  Chante E. Harrison
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a Notice of Appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;"> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record <u>47,671</u> (Reg. No.)</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> </div> <div style="width: 45%; text-align: center;">               _____              Signature               _____              William E. Hunter              Typed or printed name               _____              (858) 678-5070              Telephone number               _____              September 23, 2008              Date           </div> </div> <p style="font-size: small; margin-top: 20px;">NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>		
<input checked="" type="checkbox"/> Total of 1 form and 4 attached sheets are submitted.		

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sambit Dash                                      Art Unit : 2628  
Serial No. : 10/633,436                                     Examiner : Chante E. Harrison  
Filed : July 31, 2003                                        Conf. No. : 4545  
Title : DETECTING BACKWARD MOTION REPRESENTED BY A PATH

## MAIL STOP AF

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pursuant to the Pre-Appeal Brief Conference Program, a request for a review of identified matters on appeal is hereby submitted in view of clear legal or factual deficiencies in the rejections. All rights to address additional matters in the full appeal brief are hereby reserved.

Claims 1-10, 12-35, 37-51, 53-66, and 68-73 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by US Pat. No. 6,239,792 to Yanagisawa et al. Claims 11, 36, 52, and 67 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yanagisawa et al. in view of US Pat. No. 7,006,711 to Dresevic et al.

Independent claim 1 recites, among other things, “detecting a backward motion between a first and a second location in the path if the first location’s tracking zone overlaps with the second location’s tracking zone.” The Office appears to equate the “erasure area” of Yanagisawa et al. with the claimed “tracking zone”, stating, “the coupling of erasure area indicates erasure along a trace of input points, where erasure indicates backward motion along the trace” and citing to column 4, lines 18 to 32, and column 6, lines 57-62.<sup>1</sup> However, Yanagisawa et al. do not describe detecting a backward motion along the trace of input points defining an erasure area. Yanagisawa et al. describe a technique for controlling the erasure area associated with a trace when erasing previously drawn points, lines, characters or images made up of such.<sup>2</sup> Yanagisawa et al. further describe that the size of the erasure area is changed in response the speed of the pen, which can be determined based on only two consecutive input points.<sup>3</sup> Nothing in Yanagisawa et al. describe detecting a backward motion between a first and

<sup>1</sup> See 12-20-2007 Office Action at page 3.

<sup>2</sup> See Yanagisawa et al. at col. 4, lines 11-20.

<sup>3</sup> See Yanagisawa et al. at col. 4, lines 21-41, and col. 6, lines 57-62.

a second location in the path if the first location's tracking zone overlaps with the second location's tracking zone, as recited in claim 1.

In response to these points, the Office notes in the 6-23-2008 Final Office Action that Yanagisawa et al. describe an erasure mode in which an erasure area along a trace is formed by coupling erasure areas corresponding to consecutive input points, where the size of the erasure area is changed based on the motion speed obtained from the coordinate data of input points, and then concludes with:

Thus, during erasure mode the motion of the pen over consecutive input points, which were previously input to define a trace, is tracked to identify areas surrounding the consecutive input points. The identified areas are erased from the screen (col. 5, ll. 2-5). Hence, movement of the pen, during erasure mode, from one input point to an input point one sampling point before (col. 4, ll. 35-40) suggests a backward motion along the original trace. Therefore, Yanagisawa et al. teach "detecting a backward motion between a first and a second location in the path if the first location's tracking zone overlaps with the second location's tracking zone."<sup>4</sup>

First, it should be noted that reference in col. 4, ll. 35-40, to an input point one sampling point before is referring to how motion distance is determined, and does not suggest a backward motion along an original trace.

Second, the final sentence of the quote above does not logically follow from what is stated before. In fact, the statements provided by the Office do not indicate in any way how Yanagisawa et al. can be considered to teach the use of overlapping tracking zones as respectively required in each of independent claims 1, 19, 23 and 26. It is respectfully suggested that this failure to provide a rational basis for drawing the conclusion that Yanagisawa et al. anticipate the use of overlapping tracking zones stems from the fact that Yanagisawa et al. do not teach or suggest the presently claimed subject matter of the respective independent claims.

In response to this, the Office cites again, in the Advisory Action, to portions of Yanagisawa et al. describing what is discussed above, and concludes, "Thus, Yanagisawa's

---

<sup>4</sup> See 6-23-2008 Final Office Action at page 12.

coupling of an enlarged erasure area of an input point with a neighboring input point erasure area suggests overlap of tracking zones as the contact between neighboring erasure areas indicates the effect of deletion at that point.” With all due respect to the Office, coupling of erasure areas cannot be reasonably equated with an overlap of two tracking zones, as claimed.

Moreover, even if the erasure areas of Yanagisawa et al. do overlap in some cases, which is not conceded, this does not teach the claimed subject matter. The larger erasure area is still defined by the union of the two erasure areas and the areas there between. There is nothing in Yanagisawa et al., or the current rejections that requires identification of overlap of the erasure areas as a pre-condition for detecting backward motion, as is required by each of the present claims. Rather, all Yanagisawa et al. are describing is the creation of a larger erasure area based on the speed of the pen, and once this larger erasure area is known, all the pixels within that area are erased. This does not in any way constitute backward motion detection as respectively claimed in each of independent claims 1, 19, 23 and 26. Thus, for at least the above reasons, all of the present rejections suffer from clear legal or factual deficiencies and should be withdrawn.

In addition, each of claims 6, 31, 48 and 63 require specification of “a tracking zone that is inside the influence region of the location and outside the influence region of the previous location.” A detailed example of this claimed subject matter is provided in the present application’s description of FIGs. 2A-2F. The cited portions of Yanagisawa et al. (col. 4, lines 10-26, and col. 6, lines 5-25) describe the use of an erasure area or a drawing area (depending on the selected mode) having a specified shape, such as a circle, “square, ellipsoid, rhombus, and the like.” Nothing in Yanagisawa et al. describes specifying a tracking zone that is inside the influence region of the location and outside the influence region of the previous location, as respectively recited in claims 6, 31, 48 and 63.

In response, the Office states in the Advisory Action, “Yanagisawa teaches upon detection of erasure mode tracking pen motion input, such that slow pen motion input sets the erasure area at an input point smaller to erase a fine and narrow input point without erasing a neighboring point (col. 5, ll. 20-30). Thus, Yanagisawa’s erasing a point having a smaller erasure area without erasing a neighboring point teaches a tracking zone that is inside the influence region of one location and outside the influence region of a previous location.” The reasoning here defies common sense. The cited portion of Yanagisawa et al. merely states that

the size of the erasure area corresponding to an input point is varied with the speed of the pen. Also, as explicitly acknowledged by the Office, Yanagisawa et al. teaches coupling the erasure areas of consecutive input points to form a larger erasure area that is applied to the pixels near the input points. If by "neighboring point" the Office is referring to pixel data falling outside the larger erasure area, it is respectfully pointed out that such data is not part of the input points. Alternatively, if by "neighboring point" the Office is referring to another input point, it should be noted that the input points themselves are not erased since they represent input coordinates from the pen, not pixel data on the screen.

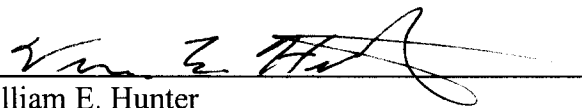
Moreover, the claim language here requires each location to have both a corresponding influence region having a predefined shape and a tracking zone. Again, if by "neighboring point" the Office is referring to another input point, the reasoning here directly contradicts the Office's basis for asserting that the tracking zones overlap. It appears that the Office is equating the erasure area of an input point in Yanagisawa et al. with both the claimed influence region and the claimed tracking zone. This claim construction defies common sense, is inconsistent with the present specification<sup>5</sup>, and is improper as a matter of law. Thus, for at least the above reasons, the present rejection of claims 6, 31, 48 and 63 suffers from clear legal or factual deficiencies and should be withdrawn.

In view of the above, all of the claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

Please apply any necessary charges or credits, to deposit account 06-1050.

Respectfully submitted,

Date: Sept. 23, 2008

  
\_\_\_\_\_  
William E. Hunter  
Reg. No. 47,671

Fish & Richardson P.C.  
PTO Customer No. 21876  
Telephone: (858) 678-5070  
Facsimile: (877) 769-7945

10872677.doc

---

<sup>5</sup> See e.g., the present application's description of FIGs. 2A-2F.